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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,788	09/26/2001	Setsuo Kobayashi	1113.40340X00	8825
20457	7590	08/23/2004	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-9889			RUDE, TIMOTHY L	
			ART UNIT	PAPER NUMBER
			2883	

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Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO. <i>90a</i>
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EXAMINER

ART UNIT	PAPER
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20040809

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Commissioner for Patents

The amendment filed on 02 June 2004 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because they are drawn to non-elected inventions of either a method or a device made by (and/or measured with) a specific method. The elected invention is drawn to a device without any dependence upon any method. Please note that the originally presented claims determine the invention elected by the Applicant in the Application and in any RCE [MPEP 818.02(a)]. Please also note that methods are a different category of invention (as opposed to device), so claims containing limitations to both device structure and method steps are generally considered indefinite.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Frank G. Font
Supervisory Patent Examiner
Technology Center 2800

tlr